Shemwell Gregory & Courtney LLP

408-236-6641

4880 Stevens Cresk Boulevard Phone: 408 236-6640 Suite 201 San Josa, California 95129

Fax: 408 236 6641 www.agcpatentlaw.com

Intellectual Property Attorneys

RECEIVED CENTRAL FAX CENTER

AUG 1 8 2004

To:

Art Unit 2176

From:

Barbara Courtney

Shemwell Gregory & Courtney LLP

Phone: 408-236-6647 Fax: 408-236-6641

OFFICIAL

(703) 872-9306 Fax:

USPTO

Pages:

20 including cover

Phone: (703) 305-5931

Date:

August 18, 2004

Application Serial No. 09/680,131 Art Unit 2176

CC:

Examiner Peter J. Smith

Atty Docket No. BLPU, P103

☑ Urgent

Re:

☑ For Review

Please Comment

☑ Please Acknowledge

Attorney Docket No. BLPU.P103

Patent

Transmittal of Office Action Response

Certification Under 37 C.F.R. §1.8(a)

Transmitted to USPTO Central Facsimile No.

<u>August 18, 2004</u>

Date of Transmission

703-872-9306

I hereby certify that this document, and any other accompanying documents referred to herein are being transmitted via facsimile to the United States Patent Office to the facsimile number and on the date indicated above.

Barbara B. Courtney

(Print Name of Person Transmitting Facsimile)

(Signature of Person Transmitting Facsimile

- 1. Response to the Office Action mailed April 23, 2004 (16 pages);
- Petition for Extension of Time (1 page); and 2.
- 3. Fee Transmittal with authorization to charge Deposit Account (2 pages; duplicate).

Confidentiality Note

This facsimile transmission contains information which is confidential. If you are not the intended recipient named on this cover page, be aware that any disclosure, copying, distribution or use of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

PTO/SB/17 (10-03) Approved for use through 07/31/2006, OMB 0651-0032

U.S. Patent and Tredemark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.										
		Complete if Known								
FEE TRANSMITTA		Appli	Application Number 09			/680	/680,131			
for FY 2004		Filing Date 10/0			/02/2	2000				
Effective 10/01/2003. Petent fees are subject to annual revision.		First Named Invento		ntor Tif	Tiffany D. Boehmer					
	•	Examiner Name Peter				ter J	J. Smith			
Applicant claims small entity status. See 37 CFR 1.27		Art Unit 2176				76				
TOTAL AMOUNT OF PAYMENT (\$) 110.00		Attorney Docket No. BLPU				PU.F	2103			
METHOD OF PAYMENT (check all that apply) FEE						ÜLA	TION (cos	ntinued)		
Check Credit card Money Other None 3. ADDITIONAL FEES										
Depoels Account;	Large Entity , Small Entity									
Deposit Account 501914	Fee Cod	Fee e (\$)		Fee (\$)		Fee Paid				
Number	1051	130	2051	65	Surcharge	o - late	filing fee or	oath		
Account Shemwell Gregory & Courtney	1052	50	2052		Surcharge cover she		provisional	filing fee or		
Name The Director is authorized to: (check all that apply)	1053	130	1053	130	Non-Engl	English specification				
Charge fee(s) Indicated below Credit any overpayments		2,520	1812 2				,	nothenimaxeen eh		
Charge any additional fee(s) or any underpayment of fee(s)	1804	920*	1804	920°	Requestr	ection	Mication of SI	R prior to		
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	1809	1,840*	1805	1,840"	Requesting Examiner		olication of Si	IR after		
FEE CALCULATION	1251	110	2251	55			oply within fir	et month	110	
1. BASIC FILING FEE	1252	420	2252	210	Extension	n for re	aply within se	econd month		
Large Entity Small Entity	1253		2253	475	Extension	n for re	eply within th	ird month		
Fee Fee Fee Fee Peacription Fee Paid Code (\$) Code (\$)		1,480	2254	· 740			eply within fo		<u> </u>	
1001 770 2001 385 Utility filing fee		2,010	2255				aply within fif	th month	 	
1002 340 2002 170 Design filing fee	1401		2401		Notice of					
1003 530 2003 266 Plant filing fee 1004 770 2004 385 Relssue filing fee	1402 1403		2402 2403		Request t		support of a	u abbeal		
1005 160 2005 80 Provisional filing fee	1	1,510	1451				_	use proceeding		
SUBTOTAL (1) (\$) 0	1452	110	2452				e - unavolda			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453	1,330	2453	665	Petition to	viven o	re - unintentk	onal		
Fee from		1,330	2501				(or relsaue)			
Total Claims Lelow Fee Paid	1502		2502		Dealgn is		: 0		<u> </u>	
Independent X X = X	1603 1460		2503 1460		Plant Issu		Commission		<u> </u>	
Multiple Dependent	1807		1807				under 37 CF			
Large Entity Small Entity Fee Fee Fee Fee Fee Description	1808		1806					iscloaure Strat	180	
Code (\$) Code (\$)	8021	40	8021	40	Recording	g each	patent assig	nment per		
1202 18 2202 9 Claims in excess of 20	1809	770	2809			-	number of pi slon after fini	•	├── ┤ !	
1201 86 2201 43 Independent claims in excess of 3 1203 290 2203 145 Multiple dependent claim, if not paid		•			(37 ČFR	1.129((a))	•	 	
1204 86 2204 43 ** Relssue independent claims	1810	770	2810	385			onel invention SFR 1.129(b)			
over original patent		770	2801	385		•		mination (RCE)		
1205 18 2205 9 ** Reliable claims in excess of 20 and over original patent	1802	02 900 1802 900 Request for expedited examination of a design application								
SUBTOTAL (Z) (\$) 0		Other fee (specify)								
**Cor number previously paid, if greater; For Relazues, see above *Raduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 110.00									00	
SUBMITTED BY (Complete (# applicable))										
Name (Print/Type) Barbara B. Courtney Registration No. (Attorney/Agent) 42,442								408-236-6647		
Signature Ah way							Date 08-18-2004			

WARKING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tredemark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PAGE 3/20 * RCVD AT 8/18/2004 12:21:29 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:408 236 6641 * DURATION (mm-ss):06-32

Signature

PTO/SB/17 (10-03) Approved for use through 07/31/2008, CMB 0651-0032 U.S. Petent and Trademark Office; U.S. DEPARTMENT OF COMMERCE as collection of information unless it displays a valid QMB control number. Under the Penerwork Reduction Act of 1995, no persons are required to respon-Complete if Known FEE TRANSMITTAL 09/680,131 Application Number 0/02/2000 Filing Date for FY 2004 Tiffany D. Boahmer First Named Inventor Effective 10/01/2003. Patent fees are subject to annual revision. Examiner Name Peter J. Smith Applicant claims small entity status. See 37 CFR 1.27 Art Unit 2176 **TOTAL AMOUNT OF PAYMENT** (\$) 110.00 BLPU.P103 Attorney Docket No. METHOD OF PAYMENT (check all that apply) FEE CALCULATION (continued) Check Credit card Money Other 3. ADDITIONAL FEES l None Large Entity , Small Entity Deposit Account: Fee Fee (\$) Code Fee Description Deposit Code 501914 Fee Paid Account 1061 13D 2051 65 Surcharge - late filing fee or oath Number Deposit Account 1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet Shemwell Gregory & Courtney Nama 1053 130 1053 120 Non-English specification he Director is authorized to: (check all (hat apply) 1812 2,520 1812 2.520 For filing a request for ex perte reexamination Charge fee(s) Indicated below Credit any overpayments 920° Requesting publication of SIR prior to 1804 920* 1804 Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee 1805 1,840 Requesting publication of SIR after Examiner action 1805 1.8401 to the above-identified deposit account. 110 1251 110 2251 55 Extension for reply within first month FEE CALCULATION 2252 210 Extension for reply within second month 1252 420 1. BASIC FILING FEE arge Entity Small Entity 1253 950 2253 476 Extension for reply within third month Fee Description Fee Paid Fep (\$) 1254 1,480 2254 740 Extension for reply within fourth month 1255 2 040 1,005 Extension for raply within fifth month 1001 770 2001 385 2255 Utility filing fee 1002 340 2002 170 1401 2401 Design filing fee 330 165 Notice of Appeal 1003 530 2003 265 Plant filing fee 1402 330 2402 165 Filing a brief in support of an appeal 1004 770 2004 385 Relssuc filing fee 1403 290 2403 145 Request for oral hearing 1005 160 2005 1,510 Petition to institute a public use proceeding Provisional filing fee 1451 1,510 1451 1452 5S Pathlon to revive - unavoidable SUBTOTAL (1) (\$) 0 110 2452 1453 1,330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1.330 2501 665 Utility Issue fee (or reissue) from Extra Claims below Fee Paid 1502 480 2502 240 Design issue fee Total Claims 1503 640 2503 320 Plant issue fee Independent Claims Multiple Dependent 1460 130 1460 130 Petitions to the Commissioner 1807 50 1807 50 Processing fee under 37 CFR 1.17(q) Large Entity Small Entity 180 1806 180 1806 180 Submission of Information Disclosure Stmt Fee Description Code (\$) 40 Recording each patent assignment per Code (\$) 8021 40 8021 property (times number of properties) 1202 18 2202 Claims in excess of 20 g 385 Filing a submission after final rejection (37 CFR 1.129(a)) 2809 1809 770 1201 88 2201 43 Independent dialms in excess of 3 1203 290 2203 145 Multiple dependent claim, if not paid 385 For each additional Invention to be examined (37 CFR 1.129(b)) 1810 770 2810 * Relssue independent claims over original patent 1204 AA 2204 1801 770 2801 385 Request for Continued Examination (RCE) 1205 2205 9 Releave claims in excess of 20 900 1802 1802 900 Request for expedited examination and over original patent of a design application Other fee (specify) (\$) O SUBTOTAL (2) Reduced by Basic Filing Fee Paid "or number previously paid, if greater, For Reissues, see above SUBTOTAL (3) (\$) 110.00 SUBMITTED BY Barbara B. Courtney Registration No. Neme (PrintType) 42,442 Telephone 408-236-6647 (Attorney/Agent)

> ARAING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and autimiting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the emount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office 11.9. Department of Commerce P.O. Roy 4450, Alexandria VA 2012 4450, DO NOT SELVE TO DO COMMERCE TO THE ACT